

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PABLO RIVERA ANDREU

Plaintiff

v.

PALL LIFE SCIENCES, LLC; JANE & JOE
DOE; ASEGURADORA XYZ

Defendant.

CIVIL NO. _____

ACT 100 OF 1959; ADEA AND OTHERS

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COMES NOW Defendant Pall Life Sciences PR, LLC (“Pall”), through its undersigned counsel and by means of special appearance and without waiving any defense, hereby removes this action pursuant to 28 U.S.C. §§1331, 1367, 1441(a), and 1446, from the Commonwealth of Puerto Rico Court of First Instance, Humacao Superior Part, to this District Court, based on the following:

1. THE COMMONWEALTH COURT ACTION

An action captioned Pablo Rivera Andreu v. Pall Life Sciences, LLC; et al., Civil Case No. HSCI2013-01428, was commenced on or about December 16, 2013, and is still pending before the Commonwealth of Puerto Rico Court of First Instance, Humacao Superior Part. In said action, Plaintiff Pablo Rivera (“Rivera”) alleges that Pall violated the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 et seq. (“ADEA”); as well as other Puerto Rico anti-discrimination laws. Rivera seeks salaries and damages for alleged emotional suffering and mental anguish.

2. THE SERVICE OF THE COMPLAINT AND SUMMONS

The Complaint and Summons were served upon Pall on December 23, 2013. True and correct copies of all process, pleadings, and papers on file with the Clerk of the Commonwealth of Puerto Rico, including specifically a copy of the Summons and Complaint, are collectively attached as **Exhibit A**. Certified English translations of all process, pleadings, and papers on file with the Clerk of the Commonwealth of Puerto Rico will be filed within the next 30 days, as requested in the Motion for Leave to file documents in Spanish and Request for extension of time to file certified translations filed today.

3. FEDERAL QUESTION JURISDICTION

This is an action for alleged violations of the ADEA over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. Specifically, this action is removable pursuant to 28 U.S.C. §§ 1331 and 1441 because this is a civil action arising under the laws of the United States – the ADEA. (Complaint at ¶¶ 5.1-5.3.)

Plaintiff is an employee of Pall. (Complaint at ¶¶ 1.1.) Plaintiff alleges in the “*Second Cause of Action*” of the Complaint that Pall supposedly discriminated against him due to his age by allegedly denying him some salary increases. Plaintiff avers that Pall allegedly denied him the salary increases on account of his age (Complaint at ¶ 5.2.) Plaintiff further alleges that this conduct is a violation of the Puerto Rico Act No. 100 of June 30, 1969 and Articles 1802 and 1803 of the Puerto Rico Civil Code (Complaint at ¶ 4.1-4.4 and 6.1.-6.5.).

4. REMOVAL OF THE COMMONWEALTH COURT ACTION

The federal removal statutes authorize removal of this action. Specifically, 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant ... to the district court

of the United States for the district and division embracing the place where such action is pending.”

5. VENUE IS PROPER

The United States District Court for the District of Puerto Rico is the judicial district embracing the place where the Commonwealth Court action was brought and is pending. This district is, therefore, the proper district court to which this case should be removed. See 28 U.S.C. §§ 1441(a) and 1446(a).

6. THE NOTICE OF REMOVAL IS TIMELY

Process was served upon Pall on December 23, 2013. This removal is timely because thirty (30) days have not transpired since the Plaintiff’s Complaint and Summons were served upon Pall. See 28 U.S.C. § 1446(b).

7. NOTICE GIVEN TO THE COMMONWEALTH COURT

Pursuant to 28 U.S.C. §1446(a), with this Notice Pall is simultaneously filing copies of all process, pleadings, motions, and orders existing on file in the Commonwealth Court in this removed action, together with a Motion for Leave to file documents in Spanish and a request for extension of time to file English certified translations of these documents. Accordingly, this Notice of Removal is accompanied by the following documents:

- 1. Exhibit A -** Complaint and Summons;
- 2. Exhibit B -** Notice of Filing of Removal.

Further, pursuant to 28 U.S.C. § 1446(d), Pall will promptly file with the Clerk of the Commonwealth of Puerto Rico Court of First Instance, Humacao Superior Part, a Notice of Filing of Notice of Removal and attach a true and correct copy of this Notice of Removal. A copy of the Notice of Filing of Notice of Removal is attached as **Exhibit B**.

WHEREFORE, Defendant hereby removes the action captioned Pablo Rivera Andreu v. Pall Life Sciences, LLC; et al., Civil Case No. HSCI2013-01428 from the Commonwealth of Puerto Rico, Court of First Instance, Humacao Superior Part, to this District Court under the authority of 28 U.S.C. §§ 1331, 1441, and pursuant to the procedures provided in 28 U.S.C. § 1446.

WE HEREBY CERTIFY that an exact copy of the present motion was sent by e-mail and certified mail with return receipt to Idalia Marie Díaz Pedrosa, Esq., Díaz Law Office, PO Box 8579, Humacao, Puerto Rico 00792, idaliamarie2000@gmail.com.

In San Juan, Puerto Rico this 14th day of January, 2014.

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